

### **Remarks**

Claims 1-10 and 21 are pending in the present application. Claims 11-20 have been canceled as a result of the restriction requirement discussed by telephone with the Examiner on 6/22/06. Claim 1 has been amended to correct a minor antecedent basis error. Additionally, Claim 21 has been amended to better and more fully claim the present invention.

#### **1.) Drawings:**

The Examiner has objected to the drawings for various informalities. In response, replacement drawings are submitted.

#### **2.) Rejections for Obviousness under 35 USC §103:**

Claims 1-10 and 21 are rejected for Obviousness under 35 U.S.C. §103 for obviousness. Claims 1 and 21 are independent. Claims 2-10 depend from independent Claim 1.

##### **a.) Claims 1, 9, 10 and 21:**

The Examiner has rejected Claims 1, 9, 10 and 21 as being obvious over US Patent 6,509,841 (Colton) in view of US Patent 4,019, 384 (Herzl). Specifically, the Examiner states that Colton teaches “receiving ordered data signals from the meter” while Herzl teaches “analyzing the data signals to detect a missing signal” and “compensating for the missing signals by subtracting a predetermined value from a sequence counter”. The Examiner concludes that it would be obvious to one of ordinary skill in the art to combine Colton with Herzl.

In response, Applicant notes that the each claim recites the detection and compensation for a missing data signal. Paragraph 52 of the specification states that “[i]t is possible for a sensor to miss a signal or simply generate a signal with insufficient energy to be detected by the ASIC” (emphasis added). Paragraph 54 of the specification further states that “[o]nce a missed signal is detected, measures to compensate for the error are taken by the system” (emphasis added). The word “missing” is standardly

defined as absent or lost. *Merriam Webster's Collegiate Dictionary*, 10<sup>th</sup> Edition (1993). It is clear from the usage in the specification and the accompanying figures (e.g., Figures 17a -19), that the word "missing" is used in the claims consistent with this definition to mean a data signal that is absent or lost.

In contrast, Herzl teaches the use of a rate error curve (Figure 7) that plots a percentage of rate error against a gallon-per-minute flow reading. In Herzl, the readings are collected, an error is calculated as a percentage of the reading, and an adjustment is made to the value of the reading. *Column 7, Line 41- Column 8, Line 20*. Herzl adjusts a received reading to compensate for an inherent error in the meter itself. Herzl does not discuss, mention, or suggest the absence of a reading as an error. Herzl is only used when a meter reading is actually present and only then does Herzl teach a method of calculation and compensation for an error. Consequently, the Examiner is incorrect in his statement that Herzl "teaches a flow meter system for analyzing the data signals to detect a missing signal" because Herzl only detects errors in a data signal that is present. Therefore, the present rejection fails because Herzl fails to teach or suggest the detection of a missing data signal as claimed and withdrawal of this rejection is respectfully requested.

*b.) Claims 2, 3 and 6:*

The Examiner has rejected Claims 2, 3 and 6 as being obvious over Colton in view of Herzl in further view of US Patent 5,963,551 (Minko). Since Claims 2, 3, and 6 are dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 2.a.

*c.) Claims 4 and 5:*

The Examiner has rejected Claims 4 and 5 as being obvious over Colton in view of Herzl in view of Minko and in further view of US Patent 5,495,438 (Omura). Since Claims 4 and 5 are dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 2.a.

*d.) Claim 7:*

The Examiner has rejected Claim 7 as being obvious over Colton in view of Herzl in view of Minko and in further view of US Patent 4,538,119 (Ashida). Since Claim 7 is dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 2.a.

*e.) Claim 8:*

The Examiner has rejected Claim 8 as being obvious over Colton in view of Herzl in further view of US Patent 5,673,252 (Johnson). Since Claim 8 is dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 2.a.

*3.) Conclusion:*

In view of the preceding remarks, all of the outstanding rejections have been overcome. A notice of allowance for all pending claims is respectfully requested. Please apply any additional fees or credits to Deposit Account #: 50-0954, Reference #: N2215-63142.

Respectfully Submitted,

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